

2008 Riverfront Farmers' Market

Rules and Regulations

MISSION

The Riverfront Farmers' Market was developed to provide a place for local growers, producers, artisans and crafters to sell their goods directly to consumers, to educate consumers about local farming and seasonal eating, to encourage and promote the use of locally-grown farm products; and to enhance quality of life in Wilmington by providing a community activity that fosters social gathering and interaction.

The Riverfront Farmers' Market is sponsored by the City of Wilmington, Parks Recreation and Downtown Services Division and is governed by a Market Steering Committee consisting of participating vendors and city staff. Members of the Market Steering Committee are elected by market members at the annual post-season market meeting. In the event that there are not enough nominations to put to vote, Market Steering Committee members are selected on a volunteer basis.

The purpose of these rules is to govern the operation, administration and management of the Riverfront Farmers' Market. The following rules and regulations are not intended to burden participants but to ensure smooth operation and success of the market. These rules and regulations are reviewed annually by the Riverfront Farmers' Market Steering Committee and are subject to change to ensure the growth, quality and success of the market.

ELIGIBILITY

- All persons who are the original producers of the fruits, vegetables, plants, herbs, flowers, eggs, meats, baked goods, pickled items, cheeses, jellies, jams, honey, art and craft work, seafood and/or other products that they intend to sell at the market.

Products that can be sold are:

- Vegetables grown from seeds, sets, or seedlings by the seller
- Fruits, nuts, or berries grown by the seller
- Plants grown by the seller from seed, seedling, transplant or cutting
- Bulbs propagated by the seller
- Eggs produced from the seller's poultry
- Meats from animals raised by the seller
- Dairy products from animals raised by and made by the seller
- Honey produced from the seller's bees
- Cut or dried flowers grown by the seller
- Firewood cut by the seller
- Straw baled by the seller
- Preserves, pickles, relishes, jams, jellies and candies, made by the seller
- Fresh (not frozen) baked goods baked by the seller
- Seafood caught by seller
- Wine produced from the seller's vines
- Art or crafts made or crafted by the seller

* Any products not specifically addressed above will be reviewed on an individual basis by the Market Steering Committee for eligibility.

- Sellers must be the producer, producer's agent, and/or relative of the producer to participate in the market. Exceptions may be discussed with the Market Committee.

- Upon prior Market Committee approval, vendors are allowed to supplement their product offering (termed as “carrying”) with other locally grown/produced items if at least 60% of the value of the product offered, each market day, is grown/produced by the vendor. Vendors will be required to clearly identify all such products, indicating the producer’s name and location of production. The Market Committee reserves the right to contact the source of any “carried” product to verify origin. Vendors interested in “carrying” products requiring inspection and/or certification shall provide a copy of the original producer’s inspection and/or certification to the Market Manager and display the documents at the market. Local shall be defined STRICTLY as produced in North Carolina. NO PEDDLERS. NO WHOLESALE.
- Arts and Craft vendors are required to produce 100% of their daily product offering.
- All prepared food items, meat, fish, and cheese sold must meet state and local health regulations including the inspection of the prepared foods seller’s kitchens by NCDA health inspectors and labeling in compliance with the regulations. Sellers must have a copy of their inspection form on file with the market manager, as well as with them when selling at market.
- All items sold as organic must meet the requirements of the National Organic Program. Sellers of organic items must have a copy of their certification on file with the market manager as well as with them when selling at market. Only certified organic growers may display signs using the word organic.
- The Market Committee or Market Manager reserves the right to conduct an inspection of any market vendor at any time to verify product origin.
- If a vendor wishes to sell any product other than what was initially applied for, the vendor must get prior approval from the Market Steering Committee.

HOURS AND DAYS

- The 2008 market will run from Saturday April 19th through Saturday December 20th in Historic Downtown Wilmington along the Cape Fear River, curbside on N. Water Street.
- Market days are Saturdays from 8am – 12:30pm. Set-up times for arts & crafts vendors are 6:45-8:00am. **Arts and crafts vendors please note:** you **must** remove your vehicle from the market area by 7:15am due to space constraints. No sales will be permitted during set-up times or past listed closing time. Modifications to this schedule may be necessary to allow for special events and activities.

FEES

- All **NEW** applicants must submit a \$ 20.00 non-refundable application fee.
- Sellers must pay a \$50.00 non-refundable, annual membership fee to participate in the market. This fee must be paid by or on the first market day of the year (April 19).
- In addition to the membership fee, vendors will be required to pay vendor fees for space at the market. For Farmers/Producers, one space encompasses the length of a vehicle, approximately 20’ and width of vehicle plus a 10’ x 10’ space adjacent to the vehicle. Arts and Craft vendor spaces are 10’ X 10’. You may request and pay for up to 2 spaces. There are three payment options:

1. Daily: \$20.00 to be collected each market day

2. Monthly: A discounted, non-refundable, monthly payment of \$40.00 for Farmers/Producers and \$20.00 for Artists/Crafters to be paid at the first market day of each month (April and December will be prorated as it is a partial month).
3. Annually: A discounted, non-refundable, annual payment of \$275.00 for Farmers/Producers and \$120.00 for Artists/Crafters to be paid by May 3rd, the first market day in May. By choosing the annual fees option, vendor space will be guaranteed should the vendor be required to take an extended hiatus from the market but return at a later date (Example: limited growing season, varied product availability, product that doesn't hold up in certain temperatures).

RULES

ATTENDANCE

- The market will operate rain or shine. Vendors must attend unless the Market Committee determines the weather would pose a public hazard. In this instance, vendors will be notified within 24 hours of the market.
- Vendors must give 24-hour notice to the Market Manager if they will be unable to attend a market that they have reserved space for. Not giving notice will be considered a violation of market rules. The market allows for "acts of god/nature" (equipment failure, severe weather, car problems, medical emergencies, etc.). Notify the Market Manager as soon as possible in these circumstances.
- First right of refusal is given to vendors who participated the previous year; however, to be eligible for the first right of refusal the vendor must have attended at least 75% of the market days that they originally applied for.
- Sellers are required to remain on site for the entire duration of the market. Any vendor not on site by the start time of the market will not be allowed to set up.
- If for any reason you are required to take more than 3 consecutive market days off, then your space will be forfeited and you will be added to the wait list and may return if and when space becomes available. This rule will not apply to vendors that choose the annual vendor fee payment option.

DISPLAY / SET-UP

- Spaces will be assigned alphabetically based on the farm or business name with the order being reversed annually. As this is an open-air market with several entrance points, we do not anticipate any "priority" spaces. Arts and craft vendor spaces will be made available on a first come first served basis.
- Vendors may display products on tables, or on the back of a vehicle, but not on the ground. Vendors must provide their own tables or displays. Canopies, tents, or umbrellas are encouraged. All canopies, tents and umbrellas must be secured.
- Each booth space must have a sign posted prominently indicating the name and location of the farm or business.
- All products sold must have signs indicating price and description of product where applicable. A master price list can be substituted for individual product pricing.
- All scales used, must have a state certification sticker visible.
- Vendors may not sublease their space.

- Each seller is responsible for cleaning up his assigned space at the close of the market. All vendors must haul out their trash at the end of the day. On-site trash receptacles are for customers only.

MISCELLANEOUS

- Vendors must comply with all laws, ordinances, and regulations of the United States, State of North Carolina, New Hanover County, and City of Wilmington.
- The market does not offer exclusive rights to any one vendor to sell any one product. Market customers generally benefit from having a choice. However, if the Market Committee believes the number of vendors offering the same or similar products is excessive or that current market demand is being met, duplicate products may be denied entry. The Market Committee has the sole discretion to accept or deny applications.
- No live animals may be sold or given away at the market.
- No pets and no smoking (vendors).
- Pricing of goods sold at the market is solely the responsibility of the individual vendor, however, vendors are expected to be aware of and maintain fair market values. Radical price cutting of top quality produce or “dumping” is prohibited. Poor quality or overripe products labeled as such may be sold at a discounted price. Advertised prices must be maintained throughout the market day.

MARKET MANAGEMENT

The Market Manager is responsible for the day to day management of the market and along with the Market Steering Committee has the complete authority to interpret, implement and enforce the market policies. Any questions or concerns should be addressed to the Market Manager or any Market Steering Committee member in absence of the Market Manager. Conflicts between vendors and customers must be brought to the attention of the Market Manager or a member of the Market Steering Committee for final resolution.

VIOLATIONS

Violations of any of these rules as discovered by or reported to the Market Manager or any member of the Market Steering Committee, will result in a verbal warning to the offender for the first offense, a written warning and two market days suspension for a second offense and removal from the market for the third offense. Appeals may be made in writing to the Market Steering Committee.

HOLD HARMLESS CLAUSE AND INSURANCE

All authorized vendors participating in the Riverfront Farmers' Market shall be individually and severally responsible to the City for any loss, bodily or personal injury, deaths, and/or property damage that may occur as a result of the vendor's negligence or that of its servants, agents, and employees. All vendors hereby agree to indemnify and save the City, its officers and employees harmless from any loss, cost, damages, and other expenses, including attorneys' fees, suffered or incurred by the City by reason of the vendors' negligence or that of its servants, agents and employees; provided that the vendors shall not be responsible nor required to indemnify the City for negligence of the City, its officers or employees. No insurance is provided by the City of Wilmington to participants in the Farmers Market. Participating vendors will be required to provide a signature in acknowledgement of this clause on the vendor application.